

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

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SIXTY-FOURTH LEGISLATIVE DAY  
MONDAY, MARCH 16, 2009

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator LeFavour, absent and formally excused by the Chair; and Senators Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Hammond, Keough, Mortimer, and Siddoway, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Natalie Tippetts, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 13, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Andreason was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Bair, Broadsword, Hammond, Mortimer, and Siddoway were recorded present at this order of business.

March 13, 2009

The JUDICIARY AND RULES Committee reports that [S 1043](#), [S 1056](#), as amended, [S 1062](#), [S 1070](#), [S 1073](#), [S 1075](#), [S 1080](#), and [S 1091](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1043](#), [S 1056](#), as amended, [S 1062](#), [S 1070](#), [S 1073](#), [S 1075](#), [S 1080](#), and [S 1091](#) and ordered them transmitted to the House for the signature of the Speaker.

March 13, 2009

The JUDICIARY AND RULES Committee reports that [S 1074](#), as amended, as amended, [S 1020](#), as amended, and [S 1108](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1074](#), as amended, as amended, [S 1020](#), as amended, and [S 1108](#), as amended, were filed for first reading.

March 13, 2009

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1074](#), as amended, [H 70](#), [S 1020](#), [H 152](#), [H 76](#), and [S 1108](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Fulcher, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

Senators Brackett and Keough were recorded present at this order of business.

March 13, 2009

Dear Mr. President:

I transmit herewith [H 212](#) and [H 151](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 212](#) and [H 151](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

Senators Bilyeu and Cameron were recorded present at this order of business.

On request by Senator Corder, granted by unanimous consent, [SCR 109](#) was referred to the Agricultural Affairs Committee.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Max C. Black was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Andreason, seconded by Senator Fulcher, the Gubernatorial appointment of Max C. Black as a member of the the State Insurance Fund Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

H 70, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the first time at length and filed for second reading.

H 152, as amended in the Senate, by Transportation and Defense Committee, was read the first time at length and filed for second reading.

H 76, as amended in the Senate, by Business Committee, was read the first time at length and filed for second reading.

S 1074, as amended, as amended, by Education Committee, was read the first time at length and filed for second reading.

S 1020, as amended, by Schroeder, was read the first time at length and filed for second reading.

S 1108, as amended, by Health and Welfare Committee, was read the first time at length and filed for second reading.

H 212, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 151, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

S 1086, by Transportation Committee, was read the second time at length and filed for third reading.

S 1137, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 41, H 75, H 192, and H 169, by Business Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### **Third Reading of Bills**

S 1089 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Broadsword, Coiner, Corder, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, Lodge, McGee, Sagness (Malepeai), Schroeder, Thorson (Stennett), Werk, Winder. Total - 19.

NAYS—Bair, Brackett, Cameron, Darrington, Davis, Fulcher, Geddes, Hill, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner. Total - 15.

Absent and excused—LeFavour. Total - 1.

Total - 35.

Whereupon the President declared S 1089 passed, title was approved, and the bill ordered transmitted to the House.

S 1130 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 32.

NAYS—Bair, Siddoway. Total - 2.

Absent and excused—LeFavour. Total - 1.

Total - 35.

Whereupon the President declared S 1130 passed, title was approved, and the bill ordered transmitted to the House.

S 1134 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—LeFavour. Total - 1.

Total - 35.

Whereupon the President declared S 1134 passed, title was approved, and the bill ordered transmitted to the House.

[S 1140](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Davis, granted by unanimous consent, [S 1140](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1138](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS—Goedde. Total - 1.

Absent and excused—LeFavour. Total - 1.

Total - 35.

Whereupon the President declared [S 1138](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 36](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—LeFavour. Total - 1.

Total - 35.

Whereupon the President declared [H 36](#) passed, title was approved, and the bill ordered returned to the House.

[H 37](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, McGee, McKague, McKenzie, Mortimer,

Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—LeFavour. Total - 1.

Total - 35.

Whereupon the President declared [H 37](#) passed, title was approved, and the bill ordered returned to the House.

[H 83](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—LeFavour. Total - 1.

Total - 35.

Whereupon the President declared [H 83](#) passed, title was approved, and the bill ordered returned to the House.

[H 51](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—LeFavour. Total - 1.

Total - 35.

Whereupon the President declared [H 51](#) passed, title was approved, and the bill ordered returned to the House.

[H 102](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—LeFavour. Total - 1.

Total - 35.

Whereupon the President declared [H 102](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Tuesday, March 17, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary